

Committee Name and Date of Committee Meeting

Cabinet – 19 October 2020

Report Title

The Proposed Disposal of the Council's Freehold Interest in the Former Oaks Day Centre, Oaks Road, Wath Upon Dearne

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Lindsay Johnson, Strategic Asset Manager
01709 254016 or Lindsay-costello.johnson@rotherham.gov.uk

Ward(s) Affected

Wath

Report Summary

The purpose of this report is to seek approval to dispose of the Council's freehold interest in the former Oaks Day Centre, Oaks Road, Wath, S63 7BB.

Recommendations

1. That approval be given to the demolition of the former Oaks Day Centre, Oaks Road, Wath Upon Dearne, S63 7BB, and the disposal of the Council's freehold interest in the site.
2. That approval be given to the Assistant Director (Planning, Regeneration and Transport) to the disposal of the assets by implementing the most appropriate method of disposal to help expedite the process, whilst ensuring that best consideration is achieved under Section 123 – Local Government Act 1972.
3. That approval be given to the Assistant Director of Legal Services to negotiate and complete the necessary legal documentation once terms for the disposal have been agreed.

List of Appendices Included

- Appendix 1 Initial Equalities Screening Form
- Appendix 2 Property Location Plan
- Appendix 3 Exempt Financial Addendum

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

Yes or No? If yes, use text below.

An exemption is sought for Appendix 3 under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains sensitive commercial information that could impact on the negotiation strategy and disposal values.

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information because the Council's commercial interest could be prejudice by the disclosure of this commercial information.

The Proposed Disposal of the Council’s Freehold Interest in the Former Oaks Day Centre, Oaks Road, Wath Upon Dearne The Proposed Disposal of the Council’s Freehold Interest in the Former Oaks Day Centre, Oaks Road, Wath Upon Dearne

1.	Background
1.1	In May 2018, Cabinet approved Adult Services’ proposals for the transformation of the Learning Disability Service. This transformation strategy would see services move away from their existing building-based locations to an alternative care and support service delivered from existing Council resources and other public facilities within the local community. As a result of this transformation programme, it was agreed Oaks Day Centre would be decommissioned.
1.2	Oaks Day Centre was decommissioned and vacated by Adult Services in December 2019 and a subsequent review into the property’s future undertaken by Asset Management.
1.3	Consultations have since taken place with all relevant Service Areas through the Asset Management Board and no other alternative operational use has been identified.
2.	Key Issues
2.1	Since becoming vacant there have been attempts to break into the building and it is anticipated that it will continue to attract anti-social behaviour now it is widely known to be empty. This presents an ongoing risk to the Council in terms of security and holding costs.
2.2	The property has significant backlog maintenance issues and is considered beyond economic repair, as such it is extremely unlikely to ever be brought back into use by the Council or a third party.
2.3	As the premises is bounded on three sides by residential properties and given the poor condition of the building, demolition is considered appropriate in an attempt to avoid potential future complaints by the neighbouring residents.
2.4	At the time of writing this report, Asset Management are in the process of obtaining the appropriate approval for the proposed demolition, with the support of the Asset Management Board, the Portfolio Holder for Jobs & the Local Economy and the Ward Members for Wath.
2.5	The site is allocated in the Local Plan as “Community Facilities”, whilst the immediate surrounding area is designated ‘Residential’. Planning have confirmed that providing the criteria of the SP 62 Policy – ‘Safeguarding Community Facilities’ can be satisfied; residential development would be considered acceptable.

2.6	Should approval be forthcoming to progress the disposal, Asset Management are to consider seeking outline planning consent for the site to be utilised for residential development purposes, as the site will be more attractive to prospective developers/purchasers and an enhanced capital receipt anticipated.
3.	Options considered and recommended proposal
3.1	<p>Option 1: The asset is retained by the Council</p> <p>Retaining the property, when there is no identified alternative operational requirement, places the Council at risk in terms of securing and maintaining the property and exposure to future holding costs.</p> <p>This is not the recommended option.</p>
3.2	<p>Option 2: Disposal of the surplus asset.</p> <p>The property is offered for freehold disposal on the open market with a view to legal completion at the earliest opportunity, taking into account the Council's obligations to achieve best consideration (see Appendix 3). If it is deemed appropriate that outline planning permission be sought by the Council prior to marketing, this process may lengthen the overall disposal timeframe. However, in pursuing demolition of the building, ongoing security and holding costs will be minimised. Conditions will be imposed on any sale of the land to ensure the timely development of the site.</p> <p>This is the recommended option.</p>
4.	Consultation on proposal
4.1	The proposal to dispose of this property has been the subject of detailed consultation through the Asset Management Board, with the board being fully supportive.
4.2	Local Ward Members have been consulted on the proposal to dispose of this property and no objections or representations have been received.
5.	Timetable and Accountability for Implementing this Decision
5.1	Should the proposal outlined in this report be approved then the Assistant Director (Planning, Regeneration and Transport), will decide upon the most appropriate method of disposal to achieve best consideration under Sec.123 LGA 1972.
5.2	Should the property be approved for disposal then the Assistant Director (Planning, Regeneration and Transport), as advised by Asset Management, will instruct the Assistant Director (Legal Services) to prepare all the necessary transfer documentation once terms for disposal have been agreed.

5.3	Dependent on which method of disposal is decided upon, completion of a sale could take in excess of 12 months. However, the timescale for completion could be extended further if planning permission is sought prior to disposal.
6.	Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)
6.1	There are no direct procurement implications arising from the recommendations detailed in this report.
6.2	The financial implications arising from this report are included in the exempt Financial Appendix 3. Disposal of the asset will save £90,782 annual revenue budget costs which will contribute to the delivery of previously approved savings from Property Services.
7.	Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)
7.1	Other than as already outlined in the report, there are no material legal implications arising from the contents of this report.
8.	Human Resources Advice and Implications
8.1	There are no HR implications arising from this report.
9.	Implications for Children and Young People and Vulnerable Adults
9.1	There are no implications other than those discussed within the main body of the report.
10.	Equalities and Human Rights Advice and Implications
10.1	There are no equality or human rights implications.
10.2	An Initial Equality Screening Assessment has been completed and is attached (Appendix 1).
11.	Implications for Ward Priorities
11.1	None.
12.	Implications for Partners
12.1	None.
13.	Risks and Mitigation

13.1.	Should the asset be retained without an identified Council requirement for doing so, then it would remain in the Council's Land & Property Bank and place an ongoing burden on current resources. However, the pressure on resources will be mitigated following the demolition of the building.
13.2	The main mitigation against the risks identified is to approve the proposed disposal of the surplus asset.
14.	Accountable Officers
	Simon Moss, Assistant Director - Planning Regeneration & Transport
	Lindsay Johnson, Strategic Asset Manager – Asset Management

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	05/10/20
Head of Legal Services (Monitoring Officer)	Bal Nahal	05/10/20

Report Author: Lindsay Johnson, Strategic Asset Manager
01709 254016 or Lindsay-costello.johnson@rotherham.gov.uk
01709 254016 or Lindsay-costello.johnson@rotherham.gov.uk
Lindsay Johnson, Strategic Asset Manager
01709 254016 or Lindsay-costello.johnson@rotherham.gov.uk
This report is published on the Council's [website](#).